

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant(s) : Mark Christopher Long
Serial Number : 10/674,934
Filing Date : September 29, 2003
Title : *SYSTEM AND METHOD OF MATCHING
VEHICLE RATINGS USING A CENTRAL
DATABASE*
Confirmation No. : 5177
Examiner : Myint, Dennis Y.
TC/Art Unit : 2162
USPTO Customer No. : 26707
Attorney Docket No. : 111855.00003

APPEAL BRIEF

Mail Stop Appeal Brief-Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant submits the following Appeal Brief under 37
C.F.R. § 41.37 appealing the Final Rejection from the USPTO
dated February 7, 2007.

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I. REAL PARTY IN INTEREST

U-HAUL INTERNATIONAL, INC., a corporation of the State of Nevada, having a principal place of business at 2721 N. Central Avenue, Phoenix, Arizona 85004, is the real party in interest of the present application. An assignment of all rights, title, and interest in the present application to U-HAUL INTERNATIONAL, INC. was executed by the inventor(s) and recorded by the U.S. Patent and Trademark Office at reel 014575/0037.

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II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences pending related to the present application.

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III. STATUS OF CLAIMS

The present application contains 31 pending claims. Claims 1-31 have been finally rejected under 35 U.S.C. 102 (e) as being anticipated by U.S. Publication No. 2005/0261986 (Haynes). No claims have been cancelled or added.

Claims 1-31, the claims on appeal, are listed in the Claims Appendix.

IV. STATUS OF AMENDMENTS

Appellant filed 31 claims with the original application on September 29, 2003. In an office action dated April 10, 2006, the Examiner rejected claims 1-31 under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2005/0261986 (Haynes) in view of U.S. Patent No. 6389337 (Kolls).

Appellant(s) responded to the April 10, 2006 Office Action by amending claims 1, 10, 21, 25, and 30.

In the final Office Action dated February 2, 2007, the Examiner finally rejected claims 1-31 under 35 U.S.C. 102(e) as being anticipated by Haynes. No further amendments have been made.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention makes use of a computer reservation system that matches vehicle ratings using a central database. Vehicle information and rental equipment information are stored in the central database. A user specifies a vehicle description including make, model, and year of the vehicle on a website. The central database is searched based on the vehicle description to find related vehicle information including physical characteristics of the vehicle. The rental equipment in the central database is identified which is compatible with the vehicle as determined by a comparison of the rental equipment information to the vehicle information. The physical characteristics of the vehicle are compared to physical characteristics of the rental equipment to determine compatibility between the vehicle and the rental equipment. The compatible rental equipment is displayed on the website for the user.

With respect to claim 1, the present invention is a computer-implemented method of matching vehicle ratings to rental equipment using a central database comprising the step of storing vehicle information and rental equipment information in the central database, as found in paragraph [00019] and FIG. 1. The method further includes the step of providing a website for a user to specify a description of a vehicle, as found in paragraphs [00014]-[00030] and FIGs. 2-4. The method further includes the step of retrieving the vehicle information from the central database based on the description of the vehicle as specified by the user, see paragraph [00021]. The method

further includes the step of searching the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information, as found in paragraphs [00031]-[00033] and FIG. 5. The computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information, including height of the vehicle and hitch assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity, see paragraph [00027]. Lastly, the method further includes the step of displaying the compatible rental equipment on the website, as found in paragraphs [00031] and [00033] and FIG. 5.

With respect to claim 10, the present invention is a computer-implemented method of matching vehicle information to equipment comprising the step of receiving a description of a vehicle from a user, as found in paragraphs [00034] and [00033] and FIG. 6. The method further includes the step of searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information, as found in paragraphs [00031]-[00033] and FIG. 5. The computer-implemented method selects the equipment based on compatible attributes between the equipment and vehicle information, including at least one

attribute from the group consisting of height of the vehicle and hitch assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity, see. The method further includes the step of sending a listing of the compatible equipment to the user, see paragraph [00027].

With respect to claim 21, the present invention is a computer-implemented method of matching a vehicle with rental equipment comprising the step of storing vehicle information and rental equipment information in a central database, as found in paragraph [00019] and FIG. 1. The method further includes the step of receiving a description of a vehicle from a website, as found in paragraphs [00034] and [00033] and FIG. 6. The method further includes the step of retrieving the vehicle information from the central database based on the description of the vehicle, see paragraph [00021]. The method further includes the step of searching the central database based on the vehicle information retrieved from the central database to identify rental equipment which is compatible with the vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information, as found in paragraphs [00031]-[00033] and FIG. 5. The computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information, see paragraph [00027]. The method further includes the step of displaying the compatible rental equipment on the website, as found in paragraphs [00031] and [00033] and FIG. 5.

With regard to claim 25, the present invention is a computer system comprising means for storing vehicle information and equipment information in a central database, as found in paragraph [00019] and FIG. 1. The system further includes means for providing a website, as found in paragraphs [00014]-[00030] and FIGs. 2-4. The system further includes means for receiving a description of a vehicle, as found in paragraphs [00034] and [00033] and FIG. 6. The system further includes means for retrieving the vehicle information from the central database based on the description of the vehicle, see paragraph [00021]. The system further includes means for searching the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the vehicle as determined by a computer-implemented comparison of the rental equipment to the vehicle information, as found in paragraphs [00031]-[00033] and FIG. 5. The computer-implemented comparison selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information, see paragraph [00027]. The system further includes means for displaying the compatible rental equipment on the website, as found in paragraphs [00031] and [00033] and FIG. 5.

With respect to claim 30, the present invention is a mass storage device comprising means for storing vehicle information and equipment information in a central database, as found in paragraph [00019] and FIG. 1. The device further includes means for providing a website, as found in paragraphs [00014]-[00030] and FIGs. 2-4. The device

further includes means for receiving a description of a vehicle, as found in paragraphs [00034] and [00033] and FIG. 6. The device further includes means for retrieving the vehicle information from the central database based on the description of the vehicle, see paragraph [00021]. The device further includes means for searching the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the vehicle as determined by a computer-implemented comparison of the rental equipment to the vehicle information, as found in paragraphs [00031]-[00033] and FIG. 5. The computer-implemented comparison selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information, see paragraph [00027]. Lastly, the device further includes means for displaying the compatible rental equipment on the website, as found in paragraphs [00031] and [00033] and FIG. 5.

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-31 are anticipated by Haynes under 35 U.S.C. 102(e).

VII. ARGUMENT

A. USPTO Rejects Claims 1-31 under 35 U.S.C. 102(e)

The Examiner rejects claims 1-31 under 35 U.S.C. 102(3) as being anticipated by Haynes.

B. Legal standard for anticipation under 35 U.S.C. 102(e)

Under 35 U.S.C. 102, "a person shall be entitled to a patent unless (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language." Therefore, a claim is anticipated if every element recited in the claim can be found in a single prior publication, patent, or invention, either explicitly or inherently. See *Glaxo Inc. v. Novopharm Ltd.*, 52 F.3d 1043, 1047 (Fed. Cir. 1995). If the reference fails to suggest, either explicitly or inherently, even one limitation of the claimed invention, then the claim is not anticipated. *Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984). To be anticipatory based on

inherency, it must be clear that the missing descriptive matter is present and would be recognized by persons of ordinary skill in the art. *Continental Can Co., U.S.A. v. Monsanto Co.*, 948 F.2d 1264 (Fed. Cir. 1991).

C. Claims 1-9 are patentable.

Independent claim 1 recites a computer-implemented method of matching vehicle ratings to rental equipment using a central database comprising the steps of storing vehicle information and rental equipment information in the central database, providing a website for a user to specify a description of a vehicle, retrieving the vehicle information from the central database based on the description of the vehicle as specified by the user, searching the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information, wherein the computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information, including height of the vehicle and hitch assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity, and displaying the compatible rental equipment on the website.

The Haynes reference is directed toward an online truck rental and reservation system. The system can be

accessed by the user via the Internet. Program modules access memory that stores data sets relating to (a) trucks which can be rented and associated rental prices for the trucks, (b) towing accessories that can be rented and towed vehicles with which the towing accessories can be used, (c) towing accessories and associated rental prices for the towing accessories, (d) expertise-based guidance relating to trucks, and (e) expertise-based guidance relating to towing accessories. The program modules may also access the information on the towability of a vehicle from a towing table 34. The towing table may store data structures, as shown in FIG. 30, for retaining vehicle information, such as the sample towability records for specific vehicles shown in FIGS. 31A-31C which use data codes and comments shown in FIG. 32 for providing towability advice.

Through an Internet access, a user selects equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, see paragraph [00059] of Haynes. In response to the user selections, the server 12 accesses the towing table 34 to determine if the selected vehicle is capable of being towed by the selected truck, and to generate a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle, with such towing advice indications being sent to the user's computer, see paragraphs [0054]-[0059] and FIGs. 30, 31A-31C, 32.

The present invention is structured and implemented quite differently than the Haynes' rental and reservation system. The Haynes system requires the user to enter

substantially all vehicle and rental equipment information and then checks a lookup table for compatibility. The present invention asks for only minimal information from the user, i.e., description of the vehicle (make, model, year), and then searches the central database to identify rental equipment and notify the user of compatible choices and options.

There are multiple distinguishing features of the present invention over the Haynes reference. For example, the Haynes reference does not teach or suggest retrieving the vehicle information from the central database based on the description of the vehicle as specified by the user. In Haynes, the user selects a truck for rental and the towed vehicle, see paragraph [0059]. In contrast, the present invention receives merely a description of the vehicle and then retrieves the vehicle information that will actually be used in the computer-implemented comparison with the rental equipment information. The computer implement comparison then selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information. The present invention requires significantly less hard technical information from the user; it is more user-friendly.

The Haynes reference further does not teach or suggest searching the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information. Haynes does not use a computer-

implemented method that selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information, including height of the vehicle and hitch assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity.

In paragraphs [00052], [00058] and [00059] of Haynes:

[0054] The backend 14 includes a plurality of program modules 27 for processing user inputs and for accessing a memory storing a plurality of data sets relating to (a) trucks which can be rented and associated rental prices for the trucks, (b) towing accessories that can be rented and towed vehicles with which the towing accessories can be used, (c) towing accessories and associated rental prices for the towing accessories, (d) expertise-based guidance relating to trucks, and (e) expertise-based guidance relating to towing accessories. A first program module may access rental rate information, which may be stored as a portion of the truck information 28 in a relational database including approximately 51,000 headers and over 4 million detail records, for storing truck types, sizes, and costs for rental. The first program module may also access the information on the towability of a vehicle from a towing table 34, and the rates of a tow dolly and car carrier, as required, as well as rates for insurance such as limited damage waiver (LDW) information and personal accident/cargo insurance (PAI) stored in the truck information 28 or other tables and databases stored in the memory of the backend 14.

[0058] The towing table 34 may store data structures shown, for example, in FIG. 30 for retaining vehicle information, such as the sample towability records for specific vehicles shown in FIGS. 31A-31C which use data codes and comments shown in FIG. 32 for providing towability advice.

[0059] The user-accessible data sets may include data corresponding to web pages stored in memory in the backend 14 for display on the browsers of users 24-26 to provide, for example, input forms. The memory also stores predetermined truck rental data, for example, stored in tables of truck information 28, affiliate locations and directions 30, and discount data 32. The expertise-based data set includes a table 34 of vehicle towing information. Through an Internet browser and respective ISP, a user 24 may select equipment including a selection of a truck for rental and a selection of a vehicle type for towing by the selected truck, and in response the server 12 accesses the towing table 34 to determine if the selected vehicle is capable of being towed by the selected truck, and to generate a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle, with such towing advice indications being sent to the user's computer through the communications interface, for example, to be displayed through the browser.

FIG. 30 contains data structures such as year, make, model, tow vehicle, towability indicator, and comments. FIGs. 31A-31C show specific vehicles with data codes and comments from FIG. 32. In FIG. 31A, the year is "1972," the make is "A.C.," the model is "428-ALL MODELS," the tow vehicle is "CC," the towability indicator is blank, and the comments are "6,7." In FIG. 31B, the year is "1972," the make is "A.C.," the model is "428-ALL MODELS," the width is "67.0," the weight is "3155," the drive is "R," and the tire size is "15." From table 32, the comments "6,7" translate to "check tire size" and "check ground clearance."

The Examiner acknowledges that Haynes requires the user to select both the tow vehicle and the equipment being towed, see paragraph [0059]. Haynes does a table lookup to

see if the selected items are compatible. Haynes then provides towability comments like "too wide," "check wheelbase, max 125," "too heavy," "too low," "tires too large/small," "drive line too difficult to disconnect," etc. However, Appellant disagrees that this language from Haynes anticipates the present invention.

Quite to the contrary, the negative towability comments clearly demonstrate that Haynes does not search the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information. Haynes further does not use a computer-implemented method to select the rental equipment based on compatible attributes between the rental equipment information and vehicle information. If Haynes were searching its database and selecting rental equipment which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information, then there would be no need for negative towability comments because the selected vehicle would already be compatible.

In contrast to the Haynes reference, the present invention simplifies the rental process for the user by asking only for a basic description of the tow vehicle. The computer-implement method then assumes the task of searching the central database based on the description of the vehicle to retrieve the more expansive vehicle information, which is then used to identify rental

equipment in the central database which is compatible with the vehicle as specified by the user. The compatibility is determined by a computer-implemented comparison of the rental equipment information to the vehicle information. The computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information. Those attributes include consideration of the height of the vehicle and hitch assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity. The Haynes reference does only a table lookup to confirm user-selected vehicle and equipment options. If there is no match or if the towability comments come back negative, then the user of the Haynes system would probably have to select again. The present invention's computer-implemented search removes that guesswork and returns known good compatible matches to the vehicle description.

Therefore, claim 1 is believed to patentably distinguish over the Haynes reference. Claims 2-9 are believed to be in condition for allowance as each is dependent from an allowable base claim.

D. Claims 10-20 are patentable.

As for claim 10, the independent claim recites a computer-implemented method of matching vehicle information to equipment comprising the steps of receiving a description of a vehicle from a user, searching a central database based on the description of the vehicle to identify equipment in the central database which is

compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information, wherein the computer-implemented method selects the equipment based on compatible attributes between the equipment and vehicle information, including at least one attribute from the group consisting of height of the vehicle and hitch assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity, and sending a listing of the compatible equipment to the user.

The discussion of claim 1 is applicable to claim 10. The present invention is structured and implemented quite differently than the Haynes' rental and reservation system. The Haynes system requires the user to enter substantially all vehicle and rental equipment information and then checks a lookup table for compatibility. The present invention asks for only minimal information from the user, i.e., description of the vehicle (make, model, year), and then searches the central database to identify rental equipment and notify the user of compatible choices and options.

The Haynes reference does not teach or suggest searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information. Haynes does not use a computer-implemented method that selects the equipment based on compatible attributes between the equipment and vehicle information,

including at least one attribute from the group consisting of height of the vehicle and hitch assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity.

The Examiner acknowledges that Haynes requires the user to select both the tow vehicle and the equipment being towed, see paragraph [0059]. Haynes does a table lookup to see if the selected items are compatible. Haynes then provides towability comments like "too wide," "check wheelbase, max 125," "too heavy," "too low," "tires too large/small," "drive line too difficult to disconnect," etc. However, Appellant disagrees that this language from Haynes anticipates the present invention.

Quite to the contrary, the negative towability comments clearly demonstrates that Haynes does not search the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information. Haynes further does not use a computer-implemented method to select the rental equipment based on compatible attributes between the rental equipment information and vehicle information. If Haynes were searching its database and selecting rental equipment which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information, then there would be

no need for negative towability comments because the selected vehicle would already be compatible.

In contrast to the Haynes reference, the present invention simplifies the rental process for the user by asking only for a basic description of the tow vehicle. The computer-implemented method then assumes the task of searching the central database based on the description of the vehicle to retrieve the more expansive vehicle information, which is then used to identify rental equipment in the central database which is compatible with the vehicle as specified by the user. The compatibility is determined by a computer-implemented comparison of the rental equipment information to the vehicle information. The computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information. Those attributes include consideration of the height of the vehicle and hitch assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity. The Haynes reference does only a table lookup to confirm user-selected vehicle and equipment options. If there is no match or if the towability comments come back negative, then the user of the Haynes system would probably have to select again. The present invention's computer-implemented search removes that guesswork and returns known good compatible matches to the vehicle description.

Therefore, claim 10 is believed to patentably distinguish over the Haynes reference. Claims 11-20 are

believed to be in condition for allowance as each is dependent from an allowable base claim.

E. Claims 21-24 are patentable.

As for claim 21, the independent claim recites a computer-implemented method of matching a vehicle with rental equipment comprising the steps of storing vehicle information and rental equipment information in a central database, receiving a description of a vehicle from a website, retrieving the vehicle information from the central database based on the description of the vehicle, searching the central database based on the vehicle information retrieved from the central database to identify rental equipment which is compatible with the vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information, wherein the computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information, and displaying the compatible rental equipment on the website.

The discussion of claim 1 is applicable to claim 21. The present invention is structured and implemented quite differently than the Haynes' rental and reservation system. The Haynes system requires the user to enter substantially all vehicle and rental equipment information and then checks a lookup table for compatibility. The present invention asks for only minimal information from the user, i.e., description of the vehicle (make, model, year), and then searches the central database to identify rental

equipment and notify the user of compatible choices and options.

The Haynes reference does not teach or suggest searching the central database based on the vehicle information retrieved from the central database to identify rental equipment which is compatible with the vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information. Haynes does not use a computer-implemented method that selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information.

The Examiner acknowledges that Haynes requires the user to select both the tow vehicle and the equipment being towed, see paragraph [0059]. Haynes does a table lookup to see if the selected items are compatible. Haynes then provides towability comments like "too wide," "check wheelbase, max 125," "too heavy," "too low," "tires too large/small," "drive line too difficult to disconnect," etc. However, Appellant disagrees that this language from Haynes anticipates the present invention.

Quite to the contrary, the negative towability comments clearly demonstrates that Haynes does not search the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information. Haynes further does not use a computer-implemented method to select the rental equipment based on compatible attributes between the rental equipment

information and vehicle information. If Haynes were searching its database and selecting rental equipment which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information, then there would be no need for negative towability comments because the selected vehicle would already be compatible.

In contrast to the Haynes reference, the present invention simplifies the rental process for the user by asking only for a basic description of the tow vehicle. The computer-implemented method then assumes the task of searching the central database based on the description of the vehicle to retrieve the more expansive vehicle information, which is then used to identify rental equipment in the central database which is compatible with the vehicle as specified by the user. The compatibility is determined by a computer-implemented comparison of the rental equipment information to the vehicle information. The computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information. The Haynes reference does only a table lookup to confirm user-selected vehicle and equipment options. If there is no match or if the towability comments come back negative, then the user of the Haynes system would probably have to select again. The present invention's computer-implemented search removes that guesswork and returns known good compatible matches to the vehicle description.

Therefore, claim 21 is believed to patentably distinguish over the Haynes reference. Claims 21-24 are

believed to be in condition for allowance as each is dependent from an allowable base claim.

F. Claims 25-29 are patentable.

As for claim 25, the independent claim recites a computer system comprising means for storing vehicle information and equipment information in a central database, means for providing a website, means for receiving a description of a vehicle, means for retrieving the vehicle information from the central database based on the description of the vehicle, means for searching the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the vehicle as determined by a computer-implemented comparison of the rental equipment to the vehicle information, wherein the computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information, and means for displaying the compatible rental equipment on the website.

The discussion of claim 1 is applicable to claim 25. The present invention is structured and implemented quite differently than the Haynes' rental and reservation system. The Haynes system requires the user to enter substantially all vehicle and rental equipment information and then checks a lookup table for compatibility. The present invention asks for only minimal information from the user, i.e., description of the vehicle (make, model, year), and then searches the central database to identify rental

equipment and notify the user of compatible choices and options.

The Haynes reference does not teach or suggest means for searching the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the vehicle as determined by a computer-implemented comparison of the rental equipment to the vehicle information. Haynes does not use a computer-implemented comparison that selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information.

The Examiner acknowledges that Haynes requires the user to select both the tow vehicle and the equipment being towed, see paragraph [0059]. Haynes does a table lookup to see if the selected items are compatible. Haynes then provides towability comments like "too wide," "check wheelbase, max 125," "too heavy," "too low," "tires too large/small," "drive line too difficult to disconnect," etc. However, Appellant disagrees that this language from Haynes anticipates the present invention.

Quite to the contrary, the negative towability comments clearly demonstrates that Haynes does not search the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information. Haynes further does not use a computer-implemented comparison to select the rental

equipment based on compatible attributes between the rental equipment information and vehicle information. If Haynes were searching its database and selecting rental equipment which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information, then there would be no need for negative towability comments because the selected vehicle would already be compatible.

In contrast to the Haynes reference, the present invention simplifies the rental process for the user by asking only for a basic description of the tow vehicle. The computer-implemented method then assumes the task of searching the central database based on the description of the vehicle to retrieve the more expansive vehicle information, which is then used to identify rental equipment in the central database which is compatible with the vehicle as specified by the user. The compatibility is determined by a computer-implemented comparison of the rental equipment information to the vehicle information. The computer-implemented comparison selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information. The Haynes reference does only a table lookup to confirm user-selected vehicle and equipment options. If there is no match or if the towability comments come back negative, then the user of the Haynes system would probably have to select again. The present invention's computer-implemented search removes that guesswork and returns known good compatible matches to the vehicle description.

Therefore, claim 25 is believed to patentably distinguish over the Haynes reference. Claims 26-29 are believed to be in condition for allowance as each is dependent from an allowable base claim.

G. Claims 30-31 are patentable.

As for claim 30, the independent claim recites a mass storage device comprising means for storing vehicle information and equipment information in a central database, means for providing a website, means for receiving a description of a vehicle, means for retrieving the vehicle information from the central database based on the description of the vehicle, means for searching the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the vehicle as determined by a computer-implemented comparison of the rental equipment to the vehicle information, wherein the computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information, and means for displaying the compatible rental equipment on the website.

The discussion of claim 1 is applicable to claim 30. The present invention is structured and implemented quite differently than the Haynes' rental and reservation system. The Haynes system requires the user to enter substantially all vehicle and rental equipment information and then checks a lookup table for compatibility. The present invention asks for only minimal information from the user, i.e., description of the vehicle (make, model, year), and

then searches the central database to identify rental equipment and notify the user of compatible choices and options.

The Haynes reference does not teach or suggest means for searching the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the vehicle as determined by a computer-implemented comparison of the rental equipment to the vehicle information. Haynes does not use a computer-implemented comparison that selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information.

The Examiner acknowledges that Haynes requires the user to select both the tow vehicle and the equipment being towed, see paragraph [0059]. Haynes does a table lookup to see if the selected items are compatible. Haynes then provides towability comments like "too wide," "check wheelbase, max 125," "too heavy," "too low," "tires too large/small," "drive line too difficult to disconnect," etc. However, Appellant disagrees that this language from Haynes anticipates the present invention.

Quite to the contrary, the negative towability comments clearly demonstrates that Haynes does not search the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information. Haynes further does not use a

computer-implemented comparison to select the rental equipment based on compatible attributes between the rental equipment information and vehicle information. If Haynes were searching its database and selecting rental equipment which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information, then there would be no need for negative towability comments because the selected vehicle would already be compatible.

In contrast to the Haynes reference, the present invention simplifies the rental process for the user by asking only for a basic description of the tow vehicle. The computer-implemented method then assumes the task of searching the central database based on the description of the vehicle to retrieve the more expansive vehicle information, which is then used to identify rental equipment in the central database which is compatible with the vehicle as specified by the user. The compatibility is determined by a computer-implemented comparison of the rental equipment information to the vehicle information. The computer-implemented comparison selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information. The Haynes reference does only a table lookup to confirm user-selected vehicle and equipment options. If there is no match or if the towability comments come back negative, then the user of the Haynes system would probably have to select again. The present invention's computer-implemented search removes that guesswork and returns known good compatible matches to the vehicle description.

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Therefore, claim 30 is believed to patentably distinguish over the Haynes reference. Claim 31 is believed to be in condition for allowance as each is dependent from an allowable base claim.

H. Conclusion

When properly considered in view of the applicable legal standard, claims 1-31 are believed to distinguish over the prior art. Appellant requests reversal of the final rejection and allowance of the subject application.

Respectfully submitted,
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VIII. CLAIMS APPENDIX

1. (Previously presented) A computer-implemented method of matching vehicle ratings to rental equipment using a central database, comprising:

storing vehicle information and rental equipment information in the central database;

providing a website for a user to specify a description of a vehicle;

retrieving the vehicle information from the central database based on the description of the vehicle as specified by the user;

searching the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the user-specified vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information, wherein the computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information, including height of the vehicle and hitch assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground

clearance, engine size, drive configuration, wheel base,
and towing capacity; and

displaying the compatible rental equipment on the
website.

2. (Original) The method of claim 1 wherein the
description of the vehicle includes make, model, and year
of the vehicle.

3. (Original) The method of claim 2 further including
the step of providing a webpage to enter the make, model,
and year of the vehicle.

4. (Original) The method of claim 1 wherein the vehicle
information in the central database includes physical
characteristics of the vehicle.

5. (Original) The method of claim 4 wherein the physical
characteristics of the vehicle include height, width,
length, weight, and ground clearance.

6. (Original) The method of claim 4 wherein the physical
characteristics of the vehicle are compared to physical
characteristics of the rental equipment to determine

compatibility between the vehicle and the rental equipment.

7. (Original) The method of claim 1 wherein the central database resides on a first computer system.

8. (Original) The method of claim 7 further including:

entering the description of the vehicle on a second computer system remote from the first computer system;

sending the description of the vehicle to the first computer system through a communication network;

sending a listing of the compatible rental equipment to the second computer system through the communication network; and

displaying the listing of the compatible rental equipment on the second computer system.

9. (Original) The method of claim 8 further including:

determining a need for additional information based on a search of the central database with the description of the vehicle; and

requesting the additional information from a user operating the second computer system.

10. (Previously presented) A computer-implemented method

of matching vehicle information to equipment, comprising:

receiving a description of a vehicle from a user;

searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information, wherein the computer-implemented method selects the equipment based on compatible attributes between the equipment and vehicle information, including at least one attribute from the group consisting of height of the vehicle and hitch assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity; and

sending a listing of the compatible equipment to the user.

11. (Original) The method of claim 10 further including the step of storing vehicle information and equipment information on the central database.

12. (Original) The method of claim 10 further including the step of providing a website for the user to specify the

description of the vehicle.

13. (Original) The method of claim 12 further including the step of displaying the compatible rental equipment on the website for the user.

14. (Original) The method of claim 10 wherein the description of the vehicle includes make, model, and year of the vehicle.

15. (Original) The method of claim 10 wherein the vehicle information in the central database includes physical characteristics of the vehicle.

16. (Original) The method of claim 15 wherein the physical characteristics of the vehicle include height, width, length, weight, and ground clearance.

17. (Original) The method of claim 15 wherein the physical characteristics of the vehicle are compared to physical characteristics of the equipment to determine compatibility between the vehicle and the equipment.

18. (Original) The method of claim 10 wherein the central

database resides on a first computer system.

19. (Original) The method of claim 18 further including:

entering the description of the vehicle on a second computer system remote from the first computer system;

sending the description of the vehicle to the first computer system through a communication network;

sending a listing of the compatible equipment to the second computer system through the communication network;
and

displaying the listing of the compatible equipment on the second computer system.

20. (Original) The method of claim 19 further including:

determining a need for additional information based on a search of the central database with the description of the vehicle; and

requesting the additional information from the user operating the second computer system.

21. (Previously presented) A computer-implemented method of matching a vehicle with rental equipment, comprising:

storing vehicle information and rental equipment

information in a central database;

receiving a description of a vehicle from a website;

retrieving the vehicle information from the central database based on the description of the vehicle;

searching the central database based on the vehicle information retrieved from the central database to identify rental equipment which is compatible with the vehicle by a computer-implemented comparison of the rental equipment information to the vehicle information, wherein the computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information; and

displaying the compatible rental equipment on the website.

22. (Original) The method of claim 21 wherein the description of the vehicle includes make, model, and year of the vehicle.

23. (Original) The method of claim 21 wherein the vehicle information in the central database includes physical characteristics of the vehicle.

24. (Original) The method of claim 23 wherein the physical characteristics of the vehicle are compared to physical characteristics of the rental equipment to determine compatibility between the vehicle and the rental equipment.

25. (Previously presented) A computer system, comprising:

- means for storing vehicle information and equipment information in a central database;

- means for providing a website;

- means for receiving a description of a vehicle;

- means for retrieving the vehicle information from the central database based on the description of the vehicle;

- means for searching the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the vehicle as determined by a computer-implemented comparison of the rental equipment to the vehicle information, wherein the computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information; and

- means for displaying the compatible rental equipment

on the website.

26. (Original) The computer system of claim 25 wherein the vehicle information in the central database includes physical characteristics of the vehicle.

27. (Original) The computer system of claim 26 wherein the physical characteristics of the vehicle are compared to physical characteristics of the rental equipment to determine compatibility between the vehicle and the rental equipment

28. (Original) The computer system of claim 25 wherein the central database resides on a first computer system.

29. (Original) The computer system of claim 28 further including:

means for entering the description of the vehicle on a second computer system remote from the first computer system;

means for sending the description of the vehicle to the first computer system through a communication network;

means for sending a listing of the compatible equipment to the second computer system through the

communication network; and

means for displaying the listing of the compatible equipment on the second computer system.

30. (Previously presented) A mass storage device, comprising:

means for storing vehicle information and equipment information in a central database;

means for providing a website;

means for receiving a description of a vehicle;

means for retrieving the vehicle information from the central database based on the description of the vehicle;

means for searching the central database based on the vehicle information retrieved from the central database to identify rental equipment in the central database which is compatible with the vehicle as determined by a computer-implemented comparison of the rental equipment to the vehicle information, wherein the computer-implemented method selects the rental equipment based on compatible attributes between the rental equipment information and vehicle information; and

means for displaying the compatible rental equipment on the website.

31. (Original) The mass storage device of claim 30 wherein the vehicle information in the central database includes physical characteristics of the vehicle which are compared to physical characteristics of the rental equipment to determine compatibility between the vehicle and the rental equipment.

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IX. EVIDENCE APPENDIX

No evidence has been submitted pursuant to 37 C.F.R. §1.130, 1.131, or 1.132, or entered by the Examiner and relied upon by Appellant in the appeal.

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X. RELATED PROCEEDINGS APPENDIX

Neither Appellant, nor Assignee or Appellant's legal representative are aware of any other appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.